REMARKS

By this Reply, Applicants amend claims 1, 5-8, 10-12, 16-22, 25, 29, and 35-45.

Claims 1, 5-8, 10-12, 16-22, 25, 29, and 35-45 are pending in this application.

In the Office Action[1], the Examiner rejected claims 1, 4, 12, 16-22, and 41-45

under 35 U.S.C. § 101 as allegedly being drawn to non-statutory subject matter;

rejected claims 1, 5-8, 10-12, 16-22, 25, 29, 35-38, and 41-45 under 35 U.S.C. § 103(a)

as being unpatentable over U.S. Patent No. 5,832,484 to Sankaran et al. ("Sankaran")

in view of U.S. Patent No. 6,901,401 to Bangel et al. ("Bangel") and further in view of

U.S. Patent Publication No. 2003/0187848 to Ghukasyan et al. ("Ghukasyan"); and

rejected claims 39, 40, 42, and 43 under 35 U.S.C. § 103(a) as being unpatentable over

Sankaran in view of Bangel and Ghukasyan and further in view of U.S. Patent No.

6,438,562 to Gupta et al. ("Gupta").

I. REJECTION UNDER 35 U.S.C. §101

Applicants respectfully traverse the rejection of claims 1, 4, 12, 16-22, and 41-45

under 35 U.S.C. §101. The Office Action first alleges that claim 41-43, and 44 do not

fall within one of the four statutory categories of invention. Office Action at page 3.

Independent claim 41 recites "a method for determining whether a user has

authorization to access a set of database records," and thus falls under the statutory

category of a process. According to In re Bilski, "a claimed process is purely patent-

eligible under §101 if (1) it is tied to a particular machine or apparatus, or (2) it

transforms a particular article into a different state or thing." In re Bilski, 545 F.3d 943,

---

[1] The Office Action may contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

at 954 (Fed. Cir. 2008) (en banc). Independent claim 41 includes, inter alia, the step of "detecting, by a computer, whether a second query for a second set of database records," which is tied to "a computer," or a machine. Therefore, Applicants submit that claim 41 is directed to a statutory process under 35 U.S.C. §101. Claim 42-45, which depend from claim 41, are also directed to statutory processes under 35 U.S.C. §101 at least due to their dependence.

Independent claim 1 recites "a method for authorizing access to a human resources database." Applying In re Bilski, claim 1, which includes the step of "detecting, by a computer, whether a second query for a second set of database records," is also a statutory claimed process because "a computer" or a machine is tied to the claimed process. Therefore, Applicants submit that the rejection of claim 1 under 35 U.S.C. §101 should be withdrawn.

The Office Action alleges that claims 12 and 16-22 are rejected under 35 U.S.C. §101 because the claims are directed to program steps. Office Action at page 3. Independent claim 12 recites "a computer-readable medium storing program instructions for performing a method of authorizing access to a human resources database." Applicant notes that "a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory." MPEP § 2106(IV)(B)(1)(a). Applicant also notes that "computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. § 101 and must be examined under 35 U.S.C. §§ 102 and 103." In re

Beauregard, 53 F.3d 1583 (Fed. Cir. 1995); see also Ex parte Li, BPAI 200801213

(November 6, 2008); and see also Ex parte Noguchi, BPAI 2008-0130 (November 20,

2008). Moreover, it is clear that claim 12 does not cover a propagated signal.

Therefore, claim 12 constitutes patentable subject matter, and Applicant submits that

the rejection of claims 12 under 35 U.S.C. § 101 should be withdrawn. Claims 16-22,

which depend from claim 12, also recite statutory subject matter under 35 U.S.C. §101

at least due to their dependence. Thus, Applicants request the Examiner to withdraw

the rejection of these claims under 35 U.S.C. §101.

The Office Action also alleges that claim 4 does not fall within one of the four

statutory categories of invention under 35 U.S.C. §101. Applicants note that claim 4

has already been cancelled. Thus, Applicants request the Examiner to withdraw the

rejection of claim 4 under 35 U.S.C. §101.

II. REJECTIONS UNDER 35 U.S.C. §103

Applicants respectfully traverse the rejections of claims 1, 5-8, 10-12, 16-22, 25,

29, and 35-45 under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not

been established.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear

articulation of the reason(s) why the claimed invention would have been obvious. *See*

M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made

explicit and cannot be premised upon mere conclusory statements. *See* id. "A

conclusion of obviousness requires that the reference(s) relied upon be enabling in that

it put the public in possession of the claimed invention." M.P.E.P. § 2145. Furthermore,

"[t]he mere fact that references can be combined or modified does not render the

resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, "[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

"[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Amended independent claim 1 recites a method for authorizing access to a database including "acquiring a lock after a first query is submitted by a first user. the first query relating to a first set of database records," "denying the second user from accessing the second set of database records if the employee number associating with the second set of database records submitted in the second query matches the employee number associated with the second user," "determining, if the employee number associating with the second set of database records submitted in the second query differs from the employee number associated with the second user, whether the lock is acquired by the first user," and "informing, after denying to grant the lock to the

second user, the second user with information relating to the identification of the first

user, in accordance with the level of the second user." Ghukasyan, Sankaran, Bangel,

and Gupta, taken individually or in combination, do not teach or suggest at least these

claimed features.

Bangel discloses an invention for "controlling local database usage."

(Background of the invention). Specifically, in Bangel, "scripts 185 check special

permission list 165 to determine whether the local user of local computer system 155

has permission to use a local database copy. If the user has such special permission,

the scripts allow the user to access the database. On the other hand, if the user does

not have such permission, the scripts display an error message and deny the user

access to the local database copy." (Col. 3, lines 45-51). That is, in Bangel, when a

user does not have permission to access a database, an error message is displayed.

Bangel, however, does not teach or suggest "informing, after denying to grant the lock

to the second user, the second user with information relating to the **identification of**

the first user, in accordance with the level of the second user," as recited in claim 1

(emphasis added).

Additionally, Bangel merely discloses "determin[ing] whether the local user [...]

has permission to use a local database," as described above. (Col. 3, lines 45-51).

Bangel does not teach or suggest using any "locks" to control local database usage.

Therefore, even if Bangel were to teach "informing, after denying to grant the lock to the

second user, the second user with information relating to the identification of the first

user, in accordance with the level of the second user," Bangel still would not teach or

suggest "acquiring a lock after a first query is submitted by a first user. the first query

relating to a first set of database records," "denying the second user from accessing the second set of database records if the employee number associating with the second set of database records submitted in the second query matches the employee number associated with the second user," and "determining, if the employee number associating with the second set of database records submitted in the second query differs from the employee number associated with the second user, whether the lock is acquired by the first user," as further recited by claim 1.

Ghukasyan, Sankaran, and Gupta do not compensate for any of the deficiencies of Bangel. The Office Action alleges: Ghukasyan teaches "determining by examining an employee number associated with the set of database records submitted in the second query, and whether the user that submitted the second query is authorized to access the set of data records" (Office Action at page 5); Sankaran teaches "determining whether the user is authorized to acquire a new lock on the set of database records, wherein the user is authorized if the employee number associated with the set of database records does not match the employee number of the user" (Office Action at page 5); and Gupta teaches "using employee table." (Office Action at page 7). Even if these allegations are correct, which Applicants do not concede, Ghukasyan, Sankaran, and Gupta still would not teach or suggest any of "acquiring a lock after a first query is submitted by a first user. the first query relating to a first set of database records," "denying the second user from accessing the second set of database records if the employee number associating with the second set of database records submitted in the second query matches the employee number associated with the second user," "determining, if the employee number associating with the second set of database

records submitted in the second query differs from the employee number associated with the second user, whether the lock is acquired by the first user," and "informing, after denying to grant the lock to the second user, the second user with information relating to the identification of the first user, in accordance with the level of the second user," as recited in claim 1. Therefore, Ghukasyan, Sankaran, Bangel, and Gupta, taken individually or in combination, do not teach or suggest all of the elements of claim 1.

In view of the above, the Office Action has not properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, the Office Action has failed to clearly articulate a reason why the claim would have been obvious to one of ordinary skill in view of the references. Therefore, a *prima facie* case of obviousness has not been established for independent claim 1 and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Independent claims 12, 25, 35, 41, 44, and 45, although of a different scope from claim 1 and each other, include similar recitations as claim 1. Accordingly, a *prima facie* case of obviousness has not been established for the independent claims for at least reasons similar to those discussed above in connection with claim 1. The remaining claims depend from the independent claims. Accordingly, a *prima facie* case of obviousness has not been established for the claims at least due to their dependence. Therefore, the Examiner should also withdraw the rejections of the dependent claims under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully

request reconsideration and reexamination of this application and the timely allowance

of the pending claims.

Please grant any extensions of time required to enter this response and charge

any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 12, 2009   By:_____

Samuel Leung
Limited Recognition Certificate No.
L0345
(202) 408-4000